IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20156 of 2006

DATED: 27-9-2006

Between:

M.R. Murthy
petitioner

And

The Depot Manager,
APSRTC,
Gooty Depot
Anantapur district Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 20156 of 2006

ORAL ORDER:

This writ petition is filed seeking Writ of *Mandamus* declaring the action of the respondents in passing the impugned order dated 7.11.1990 imposing punishment of deferment of annual increment for a period of one year with cumulative effect.

The case of the petitioner is that he is employed as Conductor in the respondent corporation. While so, on 11.10.1990 he was issued with a charge sheet alleging that he has made double claims of day off and night off and R.R.A for the period July/August, 1990. The petitioner submitted his explanation denying the charges levelled against him. However, without considering the same, and without conducting any enquiry, the impugned final orders dated 7.11.1990 were passed imposing punishment of deferment of annual increment for a period of one year with cumulative effect. Questioning the said order dated 7.11.1990, the present writ petition is filed on the ground that imposing the major punishment without conducting a departmental enquiry,
is illegal.

Learned counsel for petitioner contends that punishment of deferment of increments for a period of one year with cumulative effect is a major penalty and the same cannot be imposed without conducting regular departmental enquiry as contemplated under the

APSRTC Employees' (CC & A) Regulations. In support of his contention, he placed reliance on judgment of the Supreme Court in KULWANTH SINGH GILL Vs. STATE OF PUNJAB[1].

Admittedly, in the present case the punishment was imposed on the petitioner on 7.11.1990. The petitioner sought to explain the delay stating that he has handed over the order copy to the union leaders to raise a dispute before the Assistant Commissioner of Labour, Anantapur and that he was under an impression that his case in under process. It is quite surprising to note as to how he has kept quiet for more than 15 years without pursuing the matter with the said union leaders and all of a sudden came to know that the said leaders have not filed an application before the Asst Commissioner of Labour. It is thus clear that the petitioner has not explained the inordinate delay of more than 15 years from the date of passing of the impugned order.
In the circumstances, this Court is of the considered opinion that the writ petition is liable to be dismissed for laches.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATE: 27.9.2006
TVK

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[1] 1990 (1) LLJ 635